IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

WRIT PETITION NO. 151 OF 2004 (S/S)

Vimla Singh,
W/o late Mahendra Singh,
R/o House No. 1 Gopal Market Dakpathar,
Dehradun. .....Petitioner.

Versus

1. State of Uttaranchal through Secretary Education Department Uttaranchal Dehradun.
2. Joint Director of Education (Basic) Garhwal Mandal, Pauri.
3. District Basic Education Officer, Dehradun.
4. Committee of Management, through Manager Shishu Vidhya Mandir, Dakpathar, Dehradun.
5. Principal Shishu Vidya Mandir, Dakpathar, Dehradun.

.....Respondents

Mr.M.C. Pant, Advocate for the petitioner.
Learned Standing Counsel for the respondents.

Dated: 31.03.2006

Hon'ble Rajesh Tandon, J.

Herd Sri M.C. Pant Counsel for the petitioner and Standing Counsel for the State.

By the present writ petition, the petitioner has prayed for a writ of mandamus directing the respondents to grant the trained teachers pay scale form the date when approval was granted by respondent no. 2 along with all consequential benefits.

Briefly stated, the petitioner was appointed as Assistant Teacher in Shishu Vidya Mandir Dak Pathar Dehradun which is run by the Committee of Management of Shiksha Samiti Dak Pathar Dehradun. The Regional Joint Director Basis Pauri Vide order dated 3-7-1987 granted permanent recognition to the aforesaid School for Class I to VIII and subsequently vide order dated 19-5-92, the Joint Director of Education (Basic) has also

accorded the approval for creation of post which is contained as Annexure no. 2 to the petition. The petitioner has also annexed the copy of the order dated Feb 1997 (Annexure 6) by which she was granted Diksha Mukti Praman Patra by the respondent no. 2. and is respect of allowing her trained teacher pay scale. The petitioner further relied upon the order issued by the Director of Education Research and Training Parishad Lucknow which provides relaxation fro B.T.C. to those teachers who has completed 10 years continuous service for the purpose trained pay scale. The petitioner also annexed the copy of letter dated 15-11-2003 issued by the Additional Secretary State of U.P. by which the Director of Education Uttaranchal has been directed to submit the report regarding granting pay scale to the petitioner.

The petitioner on 27.01.2004, moved a representation before the Manager Shishu Vidya Mandir Dakpathar, Dehradun stating his grievances but of no avail.

In the supplementary affidavit, the petitioner has stated that he has filed several letters in support of her claim. On 6th March, 2003, Director of Education wrote a letter to the respondent no. 2 to take appropriate action regarding creation of post in Shishu Vidya Mandir in terms of declaration made by the Hon'ble Chief Minister for creation of additional post. Prior to this District Basic Education Officer Dehradun on 1 September 2001 also made his recommendation to the respondent no. 2 for creation of post. As per the contention of the petitioner, no action has been taken by the respondent. In the affidavit, the petitioner also prayed that since the Government itself provided at least Rs. 4000/- per moth to the P.T.A. teachers and having better claim to them, the petitioner is being deprived form the same and working on the meager wages. The petitioner also alleges the due her demand he is

being harassed by the respondent no. 5 and no action has been taken by the authority concerned.

Looking into circumstances of the case liberty is given to the petitioner to make a fresh representation to the respondent no. 2 by stating all the facts within a period of 10 days alongwith the certified copy of the order.

The respondent no. 2 is directed to consider the same in the light of Diksha Mukti Parman Patra Feb 1997 and the letter dated 26-3-2003 issued by Director of Education and to pass reasoned and speaking order on the same within a period of one month in respect of claim of the petitioner and consider the same sympathetically.

With this observation the petition is finally disposed of. No order as to cost.

(Rajesh Tandon, J.)

31.03.2006
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